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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/717,888
Filing Date: November 20, 2003
Appellant(s): HAYNES ET AL.

Joseph A. Sawyer, Jr.
For Appellants

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/22/2008 appealing from the Office action mailed 7/13/2007.

(1)   Real Party in Interest

A statement identifying by name the real party in interest in contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,279,016 B1   De Vorchik et al.   8/21/2001

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1 – 3, 5 – 12, 14, 15, 18 – 23, 26, 27, 29 – 34, 36, 37, 39 – 44, 46 – 48, 50, 53,

and 55 – 57 are rejected under 35 U.S.C. 102(b) as being anticipated by De Vorchik et al. (US

6,279,016 B1).

As per claim 1, De Vorchik discloses *a method for using filtering criteria in the display*

of file objects in a graphical user interface (GUI) (Abstract)*, the method comprising:*

-              *displaying a plurality of selectable items responsive to user input, wherein each*

of the selectable items describes a different filtering criterion and corresponds

to a different range of values, and wherein the different ranges of values for the

selectable items are based on the file objects present in a file object set that is

being filtered for display of the file objects (column 6, lines 55 – 61 and column

9, line 35 – column 10, line 41), wherein, for example in Fig. 10, "Agency,"

"Color," "Model," and "Price" correspond to a plurality of selectable items

describing different filtering criterion corresponding to a different range of values, and wherein attributes based on the file objects present in the file object set include, for example, color and price and therefore a range of color values and a range of price values are selectable for filtering the given set;

-        *receiving user input from a to at least one selected item of the selectable items to describe one or more filtering criteria for the display of the file objects and filtering the display of the file objects in the file object set according to the user input and the at least one selected item* (column 2, lines 47 – 67).

As per claim 2, and taking into account the rejection of claim 1, De Vorchik further discloses that *the user input includes an initial selection by the user of a label object displayed in the GUI and associated with a particular characteristic of the file objects* (column 6, line 46 - column 7, line 6 and column 7, lines 46 – 53), wherein it has been interpreted that a "header control" corresponds to a label object, wherein said header control is launched by the user, and the attributes and labels of attributes are associated with the header control, because they are known "when the control is launched," which has been interpreted to mean that the associated labels and attributes are determined by a header control being launched.

As per claim 3, and taking into account the rejection of claim 2, De Vorchik further discloses that *a menu including the plurality of selectable items is displayed after the initial selection of the label object* (column 6, lines 63 - 67, column 9, lines 36 - 51, and column 10, lines 45 – 58), wherein for example, as disclosed by column 6, lines 63 - 67, the "data set" and "listview control" may be displayed upon or after selection, i.e. "launching," of a label object, i.e.

"header control," where the "data set" and "listview control" correspond to the menu of plurality of selectable items.

As per claim 5, and taking into account the rejection of claim 3, De Vorchik further discloses that *the particular characteristic of the file objects is the size of the file objects* (column 7, lines 7 – 20 and column 17, lines 14 – 15), wherein the size characteristic of the file objects is disclosed by the fact that "any other data set can be used," further wherein column 17, lines 14 – 15 explicitly discloses filtering by size.

As per claim 6, and taking into account the rejection of claim 3, De Vorchik further discloses that *the particular characteristic of the file objects is the date the file objects were created* (column 7, lines 7 – 20 and column 10, lines 11 – 19), wherein the date of creation characteristic of the file objects is disclosed by the fact that "any other data set can be used," further wherein data pertaining to the date of an object would include all possible date data pertaining to said object, which would thus include a date of creation.

As per claim 7, and taking into account the rejection of claim 3, De Vorchik further discloses that *the particular characteristic of the file objects is the date the file objects were last modified* (column 7, lines 7 – 20 and column 10, lines 11 – 19).

As per claim 8, and taking into account the rejection of claim 2, De Vorchik further discloses that *an input field is displayed after the initial selection of the label object, wherein the input field is operative to accept text input describing one or more filtering criteria* (column 7, lines 46 – 53).

As per claim 9, and taking into account the rejection of claim 3, De Vorchik further discloses that *an input field is displayed after the initial selection of the label object, the input*

field being operative to accept text input describing one or more filtering criteria (column 7, lines 46 – 53)*, and wherein the input field displays a text description equivalent to the at least one selected item of the menu selected by the user* (column 7, lines 46 – 53 and column 10, lines 11 – 18 and lines 45 – 58).

As per claim 10, and taking into account the rejection of claim 2, De Vorchik further discloses that *the label object is a column heading object associated with a column in which information concerning a particular file object characteristic is displayed* (column 6, lines 46 – 55).

As per claim 11, and taking into account the rejection of claim 3, De Vorchik further discloses that *the selectable items in the displayed menu are based on the particular label object that was selected* (column 10, lines 45 – 58).

As per claim 12, and taking into account the rejection of claim 11, De Vorchik further discloses that *the different ranges of values for the selectable items are based on values of a characteristic of the file objects of the file object set, wherein the characteristic is associated with the selected label object* (column 9, line 35 – column 10, line 41), wherein, for example in Fig. 10, a range of color values and a range of price values are selectable for filtering the given file object set, because the ranges are based on values of characteristics of the file objects of the file object set.

As per claim 14, the claim is rejected on the same grounds as claim 1.

As per claim 15, and taking into account the rejection of claim 14, De Vorchik further discloses that *the file objects are displayed in a navigation window of the GUI* (column 7, lines 7 – 9).

As per claim 18, and taking into account the rejection of claim 15; the claim is rejected on the same grounds as claim 5.

As per claim 19, and taking into account the rejection of claim 15; the claim is rejected on the same grounds as claim 6.

As per claim 20, and taking into account the rejection of claim 15; the claim is rejected on the same grounds as claim 7.

As per claim 21, and taking into account the rejection of claim 15, De Vorchik further discloses that *the particular characteristic of the file objects is the date the file objects were last accessed* (column 7, lines 7 – 20 and column 10, lines 11 – 19), wherein the date of last access characteristic of the file objects is disclosed by the fact that "any other data set can be used," further wherein data pertaining to the date of an object would include all possible date data pertaining to said object, which would thus include a date of last access.

As per claim 22, and taking into account the rejection of claim 15; De Vorchik further discloses that *the selection of the characteristic is a selection of a label object labeling the characteristic* (column 7, lines 47 – 50)*, and wherein the label object is a column heading object associated with a column in which information concerning a particular file object characteristic is displayed* (column 6, lines 46 – 55).

As per claim 23, and taking into account the rejection of claim 15; De Vorchik further discloses that *the selectable items in the displayed menu are based on the particular label object that was selected, and wherein the different ranges of values for the selectable items are based on values of a characteristic of the file objects being filtered, wherein the characteristic is associated with the selected label object* (column 9, line 35 – column 10, line 41).

As per claim 26, the claim is rejected on the same grounds as claim 1.

As per claim 27, and taking into account the rejection of claim 26; the claim is rejected on the same grounds as claim 2.

As per claim 29, and taking into account the rejection of claim 28, De Vorchik further discloses that *the particular characteristic of the file objects is one of the following: the size of the file objects, the date the file objects were created, the date the file objects were last modified, and the date the objects were last accessed* (column 7, lines 7 – 20, column 10, lines 11 – 19, and column 17, lines 14 – 15), wherein the size characteristic, date of creation characteristic, and date of last access characteristic of the file objects are disclosed by the fact that "any other data set can be used," further wherein data pertaining to the date of an object would include all possible date data pertaining to said object, which would thus include a date of creation and a date of last access. In addition, column 17, lines 14 – 15 explicitly discloses filtering by size

As per claim 30, and taking into account the rejection of claim 27; the claim is rejected on the same grounds as claim 8.

As per claim 31, and taking into account the rejection of claim 27; the claim is rejected on the same grounds as claim 9.

As per claim 32, and taking into account the rejection of claim 27; the claim is rejected on the same grounds as claim 10.

As per claim 33, and taking into account the rejection of claim 27; De Vorchik further discloses that *a menu including the plurality of selectable items is displayed after the initial selection of the label object, and wherein the selectable items in the displayed menu are based on the particular label object that was selected* (column 9, line 35 – column 10, line 41).

As per claim 34, and taking into account the rejection of claim 33; the claim is rejected on the same grounds as claim 12.

As per claim 36, De Vorchik discloses *a system for providing filtering criteria in the display of file objects in a graphical user interface (GUI)* (Abstract and column 20, lines 28 – 29). The functions of the system, as disclosed by De Vorchik, are disclosed in the rejection of claim 1.

As per claim 37, and taking into account the rejection of claim 36; the claim is rejected on the same grounds as claim 2.

As per claim 39, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claim 29.

As per claim 40, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claim 8.

As per claim 41, and taking into account the rejection of claim 37; De Vorchik further discloses that *an input field is displayed after the initial selection of the label object, the input field being operative to accept text input describing one or more filtering criteria* (column 7, lines 46 – 53), *and wherein the input field displays a text description equivalent to any items selected by the user* (column 7, lines 46 – 53 and column 10, lines 11 – 18 and lines 45 – 58).

As per claim 42, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claim 10.

As per claim 43, and taking into account the rejection of claim 37; the claim is rejected on the same grounds as claims 3 and 11.

As per claim 44, and taking into account the rejection of claim 43; the claim is rejected on the same grounds as claim 12.

As per claim 46, De Vorchik discloses *a computer readable medium for allowing filtering criteria to be applied in the display of file objects in a graphical user interface (GUI)* (Abstract and column 19, line 60 – column 20, line 7). The functions of the computer readable medium, as disclosed by De Vorchik, are disclosed in the rejection of claim 1.

As per claim 47, and taking into account the rejection of claim 46; the claim is rejected on the same grounds as claim 15.

As per claim 48, and taking into account the rejection of claim 47; the claim is rejected on the same grounds as claim 29.

As per claim 50, and taking into account the rejection of claim 47; the claim is rejected on the same grounds as claims 11 and 12.

As per claim 53, De Vorchik discloses *a system for implementing filtering criteria in the display of file objects in a graphical user interface (GUI)* (Abstract and column 20, lines 28 – 29), *the system comprising: a means for receiving a selection from a user of a characteristic of the file objects displayed in a navigation window of the GUI; a means for displaying a menu of selectable filtering criteria for the selected characteristic wherein the selectable filtering criteria includes a plurality of selectable items responsive to user input, wherein each of the selectable items describes a different filtering criterion and corresponds to a different range of values, and wherein the different ranges of values for the selectable items are based on the file objects that are being filtered for display*, wherein, for example in Fig. 10, "Agency," "Color," "Model," and "Price" correspond to a plurality of selectable items describing different filtering criterion

corresponding to a different range of values, and wherein attributes based on the file objects

present in the file object set include, for example, color and price and therefore a range of color

values and a range of price values are selectable for filtering the given set; *and a means for*

filtering the display of the file objects according to the filtering criteria selected by the user as

applied to the characteristic of the file objects (column 4 line 66 – column 5, line 53), where the

means for receiving, displaying, and filtering are the disclosed computer system, input devices,

display devices, and program modules.

As per claim 55, and taking into account the rejection of claim 53; the claim is rejected

on the same grounds as claim 29.

As per claim 56, and taking into account the rejection of claim 53; the claim is rejected

on the same grounds as claims 10 and 11.

As per claim 57, and taking into account the rejection of claim 56; the claim is rejected

on the same grounds as claim 12.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of
> this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter
> as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 13, 24, 25, 35, 45, 51, 52, and 58 – 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over De Vorchik.

As per claims 13, 25, 35, 45, 52, and 59, De Vorchik discloses different ranges of values for the selectable items (column 9, line 35 – column 10, line 41). In addition, De Vorchik discloses values for the selectable items based on actual values of an associated characteristic of the file objects of the file object set (column 10, lines 59 – 64). De Vorchik does not explicitly disclose that the different ranges of values for the selectable items are based on the actual values of the associated characteristics of the file objects.

However, according to claim 1, "*each* of the selectable items describes *a* different filtering criterion and corresponds to *a* different range of values". Therefore, each selectable item of claim 13 may relate to one range of values that is based on one actual range pertaining to one associated characteristic. Thus, by means of a nonlimiting example, Fig. 10 discloses that an *associated characteristic* may be color, wherein if an item is characterized by color, then as disclosed by column 10, lines 27 - 41, a range of color data stored in quantitative form is an *actual range* that therefore corresponds to a color characteristic. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention to take into account actual values of associated characteristics of file objects of the file object set in determining ranges of values for selectable items, because specific values to use for filtering may correspond to values within a range, and therefore a specific range to be filtered would be an obvious modification.

As per claims 24, 51, 58, 60, and 63, and taking into account the rejection of claims 13, 25, 35, 45, 52, and 59, it would further be obvious to one of ordinary skill in the art at the time of invention to determine the range of values to be between the highest and lowest values of the selected characteristic of the file objects being filtered, because, given a range of values determined from specific values, it would be obvious that the range would have limits corresponding to the highest actual determined value and the lowest actual determined value of the range.

As per claims 61, 62, 64, 65, and 66, and taking into account the rejection of claims 13, 25, 35, 45, 52, and 59, it would further be obvious to one of ordinary skill in the art at the time of invention to include different ranges evenly divided between two extreme values that surround at least some of the actual values of the associated characteristic, because, given a range of values that have an upper extreme limit and a lower extreme limit, one would want to be able to filter using any range of values within the limited range, so as to get the greatest use out of the filter.

In addition, taking into account the fact that claim 61 depends on claim 13, and that claim 13 recites "the different ranges of values for the selectable items," wherein according to claim 1, "*each* of the selectable items describes *a* different filtering criterion and corresponds to *a* different range of values". Therefore, each selectable item of claim 13 may relate to one range of values that is based on one actual range pertaining to one associated characteristic. Thus, by means of a nonlimiting example, Fig. 10 discloses that an *associated characteristic* may be color, wherein if an item is characterized by color, then as disclosed by column 10, lines 27 - 41, a range of color data stored in quantitative form is an *actual range* that therefore corresponds to a color characteristic. Furthermore, it would have been obvious to one of ordinary skill in the art at

the time of invention to take into account actual values of associated characteristics of file objects of the file object set in determining ranges of values for selectable items, because specific values to use for filtering may correspond to values within a range, and therefore a specific range to be filtered would be an obvious modification.

Therefore it follows that, for each selectable item, a (i.e. one) different range that corresponds to said selectable item is evenly divided between two extreme values that surround at least some of the actual values of the associated characteristic, wherein De Vorchik discloses in column 10, lines 27 - 41 that a range of colors may correspond to being "numerically within" a range pertaining to a color. Therefore, it would be obvious that in order to be "numerically within" something, there would be some sort of bounding limits that would correspond to two extreme values to define the range that corresponds to being "numerically within."

10)   Response to Arguments

Appellants assert the following:

1.   *Regarding arguments pertaining to claim 1 and all claims related to claim 1, the Applicant has argued that De Vorchik fails to teach or suggest that:*
    a. *each selectable item describes a different filtering criterion*
    b. *each selectable item corresponds to a different range of values*
    c. *the different ranges of values for the selectable items are based on the file objects present in a file object set that is being filtered for display of the file objects*

The Examiner respectfully disagrees.

a. De Vorchik teaches that *each selectable item describes a different filtering criterion,* because the items such as "Agency," "Color," "Model," "Price," "Name," "Type," "Path," "Date," "Modified," "Author," "Title," and "UNCPath" disclosed in Figs. 3 - 11, 14, and 15 correspond to selectable items to filter by, wherein these items are each different from each other.

b. De Vorchik teaches that *each selectable item corresponds to a different range of values,* because for example, the filtering criterion pertaining to color of Fig. 10 and column 9, line 66 - column 10, line 6 and column 10, lines 27 - 41 corresponds to a range of colors that, wherein a range is determined based on selecting a color and, for example selecting the command "is close to," which will determine a range of colors to filter by that correspond to being "numerically within" a range of colors related to the selected color. In addition, the filtering criterion pertaining to date of Figs. 15 and 16 and column 10, lines 11 - 26 allows a user to filter by "a range of time around the specified date." Therefore, because colors and dates correspond to different values themselves, De Vorchik sufficiently teaches that each selectable item corresponds to a different range of values.

c. De Vorchik teaches that *the different ranges of values for the selectable items are based on the file objects present in a file object set that is being filtered for display of the file objects*, because the items such as "Agency," "Color," "Model," "Price," "Name," "Type," "Path," "Date," "Modified," "Author," "Title," and "UNCPath" disclosed in Figs. 3 - 11, 14, and 15 correspond to selectable items to filter by, wherein each of these selectable items corresponds to a different range of values, and furthermore, as disclosed in column 6, lines 55 -61, the "attributes" and "labels for the attributes" that correspond to these different ranges may be "gleaned from the data set" and "vary based on the data set."

2.   *Regarding arguments pertaining to claims 2 and 3 and all claims related to claims 2 and 3, the Applicant has argued that claim 3 is patentable over De Vorchik.*

The Examiner respectfully disagrees.

Pertaining to claim 2, of which claim 3 depends, De Vorchik discloses that *the user input includes an initial selection by the user of a label object displayed in the GUI and associated with a particular characteristic of the file objects* in column 6, line 46 - column 7, line 6 and column 7, lines 46 - 53, wherein it has been interpreted that a "header control" corresponds to a label object, wherein said header control is launched by the user, and the attributes and labels of attributes are associated with the header control, because they are known "when the control is launched," which has been interpreted to mean that the associated labels and attributes are determined by a header control being launched.

Pertaining to claim 3, De Vorchik thus discloses that *a menu including the plurality of selectable items is displayed after an initial selection of the label object* in column 6, lines 63 - 67, column 9, lines 36 - 51, and column 10, lines 45 - 58, wherein for example, as disclosed by

column 6, lines 63 - 67, the "data set" and "listview control" may be displayed upon or

after selection, i.e. "launching," of a label object, i.e. "header control," where the "data set" and

"listview control" correspond to the menu of plurality of selectable items.

3.   *Regarding arguments pertaining to claims 13 and all claims related to claim 13, the Applicant has argued that De Vorchik does not disclose or suggest that the different ranges of values for the selectable items are based on actual ranges of an associated characteristic of the file objects of the file object set and that nothing in De Vorchik would lead one to implement such features.*

The Examiner respectfully disagrees.

Claim 13 recites "the different ranges of values for the selectable items," wherein

according to claim 1, "*each* of the selectable items describes *a* different filtering criterion and

corresponds to *a* different range of values". Therefore, each selectable item of claim 13 may

relate to one range of values that is based on one actual range pertaining to one associated

characteristic. Thus, by means of a nonlimiting example, Fig. 10 discloses that an *associated*

characteristic may be color, wherein if an item is characterized by color, then as disclosed by

column 10, lines 27 - 41, a range of color data stored in quantitative form is an *actual range*

that therefore corresponds to a color characteristic. Furthermore, it would have been obvious to

one of ordinary skill in the art at the time of invention to take into account actual values of

associated characteristics of file objects of the file object set in determining ranges of values for

selectable items, because specific values to use for filtering may correspond to values within a

range, and therefore a specific range to be filtered would be an obvious modification.

4.   *Regarding arguments pertaining to claims 61 and all claims related to claim 61, the Applicant has argued that De Vorchik does not disclose or suggest that different ranges of values*

for selectable items are based on the distribution of the actual values of the associated characteristic in the file object set, wherein the different ranges are evenly divided between two extreme values that surround at least some of the actual values of the associated characteristic and it would not be obvious to implement such features.

The Examiner respectfully disagrees.

Taking into account the fact that claim 61 depends on claim 13, and that claim 13 recites "the different ranges of values for the selectable items," wherein according to claim 1, "*each* of the selectable items describes *a* different filtering criterion and corresponds to *a* different range of values". Therefore, each selectable item of claim 13 may relate to one range of values that is based on one actual range pertaining to one associated characteristic. Thus, by means of a nonlimiting example, Fig. 10 discloses that an *associated characteristic* may be color, wherein if an item is characterized by color, then as disclosed by column 10, lines 27 - 41, a range of color data stored in quantitative form is an *actual range* that therefore corresponds to a color characteristic. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention to take into account actual values of associated characteristics of file objects of the file object set in determining ranges of values for selectable items, because specific values to use for filtering may correspond to values within a range, and therefore a specific range to be filtered would be an obvious modification.

Therefore it follows that, for each selectable item, a (i.e. one) different range that corresponds to said selectable item is evenly divided between two extreme values that surround at least some of the actual values of the associated characteristic, wherein De Vorchik discloses in column 10, lines 27 - 41 that a range of colors may correspond to being "numerically within" a range pertaining to a color. Therefore, it would be obvious that in order to be "numerically

within" something, there would be some sort of bounding limits that would correspond to two

extreme values to define the range that corresponds to being "numerically within."

(11)   Related Proceedings Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejection should be sustained.

Respectfully submitted,
/Eric Wiener/
Examiner, Art Unit 2179

Conferees:

Ba Huynh
/Ba Huynh/
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